

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Office Action dated October 9, 2007. Claim 1 has been amended, without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, Claims 1-7, 9-23 and 25-35 are now pending. As set forth herein, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Claims 31-35 stand rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 5,995,101 to Clark et al. ("Clark"). Claims 1-15, 17-23 and 25-30 stand rejected under 35 U.S.C. § 103 as being obvious over Clark in view of U.S. Patent Application Publication No. 2004/0205514 A1 to Sommerer et al. ("Sommerer"), and claim 16 stands rejected under 35 U.S.C. § 103 as being obvious over Clark in view of Sommerer and further in view of U.S. Patent No. 6,243,724 to Mander et al ("Mander"). In order to establish a *prima facie* case of obviousness under § 103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be a reasonable expectation of success, and the prior art reference(s) must teach or suggest all the claim limitations (MPEP § 2143.) However, all of the claim elements cannot be found in the cited references, whether those references are considered alone or in combination. In particularly, Applicant notes that the amendments to the claims presented above generally specify that a depiction of the actual consequence of actually selecting a selectable item is displayed, and that such aspects of the claimed invention are not taught, suggested or described by the cited references. Accordingly, reconsideration and withdrawal of the rejections of the claims as anticipated by or obvious in view of the cited references are respectfully requested.

The invention as claimed displays a preview of an actual consequence of actually selecting a selectable item to a user. For example, as recited by amended independent Claim 1,

the selectable item is not a representation of a file, and the actual consequences of actually selecting the selectable item that is displayed includes an operation that is performed on a file that is open in a computer program presenting the first selectable item. Claim 1 further specifies that the depiction of the actual consequence of actually selecting the selectable item is displayed in the absence of an actual selection of the selectable item. As set forth in independent Claim 17, a cursor hovering over a first selectable item causes a preview of an actual consequence of actually selecting a first selectable item to be displayed. In addition, the actual selection of the first selectable item performs an operation on a file that is open within an application that provides said first selectable item. Independent Claim 31 recites an apparatus for displaying a consequence of a selection to a user that includes “means for generating a depiction of an actual consequence of actually selecting said selectable item . . . wherein said selectable item is associated with an application program, wherein said actual consequence of selecting such selectable item performs an operation, and wherein said operation does not include opening a file.” Independent Claim 34 recites displaying a depiction of the actual consequences of actually selecting at least a first selectable item, wherein the actual consequences of selecting the first selectable item do not include opening a file. Accordingly, by way of illustration and not necessarily importing limitations into the claims, embodiments of the claimed invention provide the user with a preview of the effect or consequence of performing an operation on a file by selecting a selectable item. As such elements are not taught, suggested or described by the cited references, the rejections of the claims as unpatentable in view of those references should be reconsidered and withdrawn.

The Clark reference is generally directed to a multi-level tool tip. In particular, when a user points to an area of interest in a graphical display on a computer monitor using a cursor, a first level of information is displayed. A subsequent level of information is then displayed if the

user continues to point to that area of interest or if a selected key stroke is entered (Clark, abstract). In general, the tips provide textual explanations of an icon's function, or a demonstration of the function. (Clark, column 2, lines 30-63.) Accordingly, Clark is limited to presenting information describing a selected item or presenting an example of the effect of selecting an item. Clark does not teach, suggest or describe providing a preview of the actual consequence of selecting an item. The failure of Clark to provide a preview of a consequence of selecting a selectable item is acknowledged by the Office Action. (See Office Action dated October 9, 2007, page 6.)

The Sommerer reference is generally directed to a hyperlink preview utility and method. In particular, Sommerer discusses displaying a preview of a target resource page associated with a linking control, such as a hyperlink or visit node. (Sommerer, paragraph 8.) According to Sommerer, the preview is displayed adjacent to the linking control and may display layout and content information to a user. (*Id.*) However, Sommerer does not teach, suggest or describe previewing an actual consequence of an operation performed on a file that is open in a computer program presenting an item that can be selected to perform the operation. Instead, Sommerer provides a preview of a resource page. Previewing a resource page is different than previewing the actual consequence of an operation on an open file that can be performed by actually selecting a selectable item.

For disclosure of the use of a projection line, the Office Action cites to Mander. Mander is generally directed to a method and apparatus for organizing information in a computer system. More particularly, Mander discusses providing a graphical representation of a document included in a pile or collection of documents represented by icons. By positioning the cursor at an item in the pile for a predetermined period of time, a proxy for the item positioned under the cursor is revealed. (Mander, column 3, lines 5-25.) Moreover, the indicia or proxy for the selected item

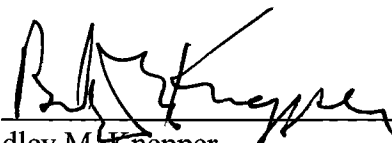
can include an animated dicon [*sic* icon] of the digitized movie in that various frames of the movie may be displayed rapidly in sequence. (Mander, column 36, lines 46-55.) However, it is noted that Mander does not teach, suggest or describe the actual consequence of actually selecting an item other than an item representing a document or other file.

Accordingly, even if the cited references are considered together, each and every element of the pending claims is not taught, suggested or described. In particular, the cited references do not provide a preview of an actual consequence of actually selecting a selectable item, where the selectable item is not a representation of a file and wherein an actual selection of the selectable item performs an operation on a file that is open in a computer program or application providing the selectable item. Therefore, the rejections of the claims as obvious should be reconsidered and withdrawn.

In view of the foregoing it is submitted that the rejections of the claims as anticipated by or obvious in view of the cited references should be reconsidered and withdrawn. The application therefore appearing to be in form for allowance, early notification of same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would be of assistance.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 
Bradley M. Knepper
Registration No. 44,189
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: January 9, 2008